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ELECTRONICS FOR IMAGING, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELECTRONICS FOR IMAGING, INC., a  
Delaware corporation,  
  
Plaintiff,  
  
vs.  
  
TESSERON, LTD., an Ohio limited liability  
company,  
  
Defendant.

) Case No. 3:07-CV-5534 CRB

) **DECLARATION OF MARK L. BLAKE IN**  
) **SUPPORT OF EFI'S OPPOSITION TO**  
) **TESSERON LTD.'S MOTION TO DISMISS**  
) **OR, IN THE ALTERNATIVE, TO**  
) **TRANSFER VENUE**

) Date: February 1, 2008

) Time: 10:00 a.m.

) Judge: Hon. Charles R. Breyer

1 I, Mark L. Blake, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California. I am an  
3 associate at the law firm of Howrey LLP, counsel for Electronics For Imaging Inc. ("EFI") in this  
4 action. Unless indicated otherwise, I have personal knowledge of the facts set forth in this Declaration.

5 2. Attached as Exhibit A is a true and correct copy of the website  
6 [http://www.vlogix.com/abt\\_management.htm](http://www.vlogix.com/abt_management.htm).

7 3. Attached as Exhibit B is a true and correct copy of the website  
8 [http://www.vlogix.com/abt\\_index.htm](http://www.vlogix.com/abt_index.htm).

9 4. Attached as Exhibit C is a true and correct copy of the website  
10 [http://www.vlogix.com/new\\_article\\_070101.htm](http://www.vlogix.com/new_article_070101.htm).

11 5. Attached as Exhibit D is a true and correct copy of the website  
12 [http://www.vlogix.com/abt\\_index.htm](http://www.vlogix.com/abt_index.htm) from December 15, 2001. This web page was found at an  
13 internet archiving website at the following URL,  
14 [http://web.archive.org/web/20011215051451/http://vlogix.com/abt\\_index.htm](http://web.archive.org/web/20011215051451/http://vlogix.com/abt_index.htm). This page can be  
15 retrieved by visiting [www.archive.org](http://www.archive.org) and entering "www.vlogix.com/abt\_index.htm" into the  
16 "Wayback Machine" search bar. At the following screen, select the December 15, 2001 date.

17 6. Attached as Exhibit E is a true and correct copy of the website [www.tesseract.net](http://www.tesseract.net) from  
18 May 21, 2001. This web page was found at an internet archiving website at the following URL,  
19 <http://web.archive.org/web/20010521194234/http://www.tesseract.net/>. This page can be retrieved by  
20 visiting [www.archive.org](http://www.archive.org) and entering "www.tesseract.net" into the "Wayback Machine" search bar.  
21 At the following screen, select the May 21, 2001 date.

22 7. Attached as Exhibit F is a true and correct copy of relevant portions of Forrest Gauthier's  
23 deposition in *Tesseract Ltd. v. Xerox Corp.*, Case No. 1:04CV2164, dated April 5, 2006.

24 8. Attached as Exhibit G is a true and correct copy of the California corporate record for  
25 Silicon Valley Bank. This page was found by going to the California Secretary of State website and  
26 searching for "Silicon Valley Bank" under business records at <http://kepler.sos.ca.gov/list.html>.

9. Attached as Exhibit H is a true and correct copy of the information regarding the registration of [www.vlogix.com](http://www.vlogix.com). This page can be retrieved by visiting <http://www.networksolutions.com/whois/index.jsp> and entering "vlogix.com" into the search bar.

10. Attached as Exhibit I is a true and correct copy of 'Yes, We're A Printing Show,' Declares Seybold As Print Technologies Mark San Francisco Event, Printing News, September 21, 1998.

11. Attached as Exhibit J is a true and correct copy of the George Lithograph case study found by visiting the following URL:  
[http://files.oceusa.com/media/Assets/PDFs/ProductRelated/ProductionPrinting/VoiceOfOurCustomers/GeorgeLitho\\_v1\\_m56577569830473930.pdf](http://files.oceusa.com/media/Assets/PDFs/ProductRelated/ProductionPrinting/VoiceOfOurCustomers/GeorgeLitho_v1_m56577569830473930.pdf).

12. Attached as Exhibit K is a true and correct copy of the web pages found at [www.rrd.com/wwwRRD/AboutUs/Locations/Locations.asp](http://www.rrd.com/wwwRRD/AboutUs/Locations/Locations.asp) from December 29, 2006. These web pages were found at an internet archiving website at the following URLs:

- <http://web.archive.org/web/20061229204156/www.rrd.com/wwwRRD/AboutUs/Locations/Direct.asp>
- <http://web.archive.org/web/20061010200352/www.rrd.com/wwwRRD/AboutUs/Locations/Labels.asp>
- <http://web.archive.org/web/20060927065438/www.rrd.com/wwwRRD/AboutUs/Locations/Premedia.asp>
- <http://web.archive.org/web/20060925064220/www.rrd.com/wwwRRD/AboutUs/Locations/DistributionFulfillment.asp>
- <http://web.archive.org/web/20060925063706/www.rrd.com/wwwRRD/AboutUs/Locations/CommercialPrint.asp>

These pages can be retrieved by visiting [www.archive.org](http://www.archive.org) and entering "[www.rrd.com/wwwRRD/AboutUs/Locations/Locations.asp](http://www.rrd.com/wwwRRD/AboutUs/Locations/Locations.asp)" into the "Wayback Machine" search bar. At the following screen, select the December 29, 2006 date.

13. Attached as Exhibit L is a true and correct copy of *VariScript solution breaks production variable data printing barrier*, M2 Presswire, September 14, 1999.

14. Attached as Exhibit M is a true and correct copy of the website [http://www.vlogix.com/new\\_archive\\_091099.htm](http://www.vlogix.com/new_archive_091099.htm).

1 15. Attached as Exhibit N is a true and correct copy of the website  
 2 <http://www.ugs.calpoly.edu/dept/webpp.html>, showing the use of the Xeikon DCP/50D (which utilizes  
 3 the VariScript solution).

4 16. Attached as Exhibit O is a true and correct copy of the public record person locator results  
 5 for Forrest Gauthier.

6 17. Attached as Exhibit P is a true and correct copy of Tesson Ltd.'s Complaint filed in the  
 7 Northern District of Ohio, Case No. 1:07CV2947.

8 18. Attached as Exhibit Q is a true and correct copy of Tesson Ltd.'s Amended Complaint  
 9 filed in the Northern District of Ohio, Case No. 1:07CV2947.

10 19. Attached as Exhibit R is a true and correct copy of the website [www.variscorp.com](http://www.variscorp.com) from  
 11 March 31, 2002. This web page was found at an internet archiving website at the following URL,  
 12 <http://web.archive.org/web/20020331014049/http://variscorp.com/>. This page can be retrieved by  
 13 visiting [www.archive.org](http://www.archive.org) and entering "www.variscorp.com" into the "Wayback Machine" search bar.  
 14 At the following screen, select the March 31, 2002 date.

15 20. Attached as Exhibit S is a true and correct copy of the information regarding the  
 16 registration of [www.tesson.net](http://www.tesson.net). This page can be retrieved by visiting  
 17 <http://www.networksolutions.com/whois/index.jsp> and entering "tesson.net" into the search bar.

18 21. Attached as Exhibit T is a true and correct copy of Tesson Ltd.'s articles of incorporation  
 19 obtained by searching for Tesson in the Ohio business filings at  
 20 [http://www2.sos.state.oh.us/pls/portal/PORTAL\\_BS.BS\\_QRY\\_BUS\\_INFORMATION1.SHOW\\_PAR](http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PAR)  
 21 [MS](#).

22 22. I have contacted the property manager for the building at 394 Wards Corner, Cincinnati,  
 23 Ohio 45140 and confirmed that vLogix is not currently occupying suite 150.

24 23. Attached as Exhibit U is a true and correct copy of Inc. Jet Aviation Ltd.'s amended  
 25 articles of organization obtained by searching for Jet Aviation in the Ohio business filings at  
 26 [http://www2.sos.state.oh.us/pls/portal/PORTAL\\_BS.BS\\_QRY\\_BUS\\_INFORMATION1.SHOW\\_PAR](http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PAR)  
 27 [MS](#).

1 24. Attached as Exhibit V is a true and correct copy of the judicial caseload profile for the  
2 Northern District of California found by going to [www.uscourts.gov/cgi-bin/cmsd2006.pl](http://www.uscourts.gov/cgi-bin/cmsd2006.pl) and  
3 selecting "California Northern" from the drop down list.

4 25. Attached as Exhibit W is a true and correct copy of the judicial caseload profile for the  
5 Northern District of Ohio found by going to [www.uscourts.gov/cgi-bin/cmsd2006.pl](http://www.uscourts.gov/cgi-bin/cmsd2006.pl) and selecting  
6 "Ohio Northern" from the drop down list.

7 I declare under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct.

9 Executed this 11<sup>th</sup> day of January 2008, at Irvine, California.

10  
11   
12 Mark L. Blake